IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 600 OF 2006

IN

WRIT PETITION NO. 89 OF 2004

SHRI SHANTARAM UPI SHIRODKAR AND 4 ORS., ...Applicants

Versus

SHRI SANTAN DOMINGOS COELHO, MOIRA, BARDEZ GOA. ....Respondent

Mr. J.P. Mulgaonkar for the applicant.

Mr. V. Rodrigues for the respondents.

Coram:- DR. S. RADHAKRISHNAN, J.

Date:- 13th September, 2006

P.C.

Heard learned counsel for the petitioner and learned counsel for the respondents. Rule made returnable forthwith.

By this application the applicants are seeking modification of the order dated 30.7.2004 in view of change of circumstances. It appears that by an order dated 30.7.2004 the applicants were allowed to withdraw the amount of Rs.50,000/- which was deposited under the 'No Fault Liability' clause subject to the condition that the applicants were to furnish an undertaking to the Court that they would bring back the amount, if so directed by the court. In the meanwhile the main application for claim of compensation itself has been decided by the Motor Accident Claim Tribunal, Mapusa by an award dated 17.1.2006 wherein the respondent had been directed to pay a compensation of Rs.1,69,500/- to the applicant.

In view of the said changed circumstances, the order dated 30.7.2004

stands modified in the sense that the applicant is permitted to withdraw a sum of Rs.50,000/- from this Court without furnishing any undertaking in writing as directed by the said order dated 30.7.2004. The Registrar shall pay the applicant the entire amount of Rs.50,000/- alongwith interest accrued thereon without insisting on any undertaking. Rule is made absolute accordingly.

DR. S. RADHAKRISHNAN, J.

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